

# Order

Michigan Supreme Court  
Lansing, Michigan

May 24, 2006

Clifford W. Taylor,  
Chief Justice

129257

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 129257  
COA: 259872  
Genesee CC: 03-012078

RYAN WILLIAM OLSON,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the June 24, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Genesee Circuit Court for resentencing. The circuit court determined that the defendant's sentencing guidelines were misscored and that the applicable guidelines range was lower than the one within which the defendant was originally sentenced. Under these circumstances, resentencing is required. *People v Francisco* (Docket No. 129035), 474 Mich \_\_\_\_ (2006). On remand, the court shall sentence defendant within the appropriate sentencing guidelines range, or articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range in accordance with *People v Babcock*, 469 Mich 247 (2003). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

WEAVER, J., dissents and states as follows:

For the reasons set forth in the dissenting opinion that I joined in *People v Francisco* (Docket No. 129035), 474 Mich \_\_\_\_ (2006), I would deny leave to appeal rather than remand for resentencing.



d0517

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 24, 2006

*Corbin R. Davis*

Clerk